

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHRISTINA YOUNT, )  
                          )  
Plaintiff,            )  
                          )                            Civil Action No. 13-161 ERIE  
V                      )  
                          )  
GALAXY FEDERAL CREDIT UNION, )  
                          )  
Defendant.            )

**MEMORANDUM ORDER RE: DEFENDANT'S MOTION TO DISMISS (DOC. NO. 13)**

This case centers on alleged employment discrimination based upon age. Doc. No. 12. Defendant, Galaxy Federal Credit Union (“Defendant”), removed this case from the Court of Common Pleas of Venango County and thereafter filed a Motion to Dismiss. Doc. Nos. 1-2. On August 27, 2013, this case was reassigned from Judge McLaughlin to this Court. Doc. No. 8. With leave of Court, Plaintiff filed an Amended Complaint. Doc. No. 12. Defendant has moved this Court to dismiss Plaintiff’s Amended Complaint. Doc. No. 13. After careful consideration of Defendant’s Motion to Dismiss (Doc. No. 13) and Plaintiff’s response in opposition (Doc. No. 21), Defendant’s Motion to Dismiss will be **DENIED**.

Defendant alleges that Plaintiff’s Amended Complaint is merely a recitation of the relevant elements of the cause of action and fails to demonstrate that Plaintiff’s age was a “but-for” cause of her termination. Accepting the facts of Plaintiff’s Amended Complaint as true solely for the purposes of this Memorandum Order, Plaintiff has sufficiently alleged a *prima facie* case for age discrimination because she was: terminated because of her age, treated differently than other younger employees, and replaced by younger individuals. Doc. No. 12.

Although not required at this stage, Plaintiff also alleges and details that Defendant's proffered reason for her termination, a \$50.00 discrepancy over a customer's deposit, was a false accusation used to mask the true discriminatory reason for her termination. *Id.* This contention is supported by the factual averment that younger tellers who engaged in identical conduct were not disciplined or terminated. At this stage, Plaintiff has pled sufficient factual allegations to survive this Motion to Dismiss.

AND NOW, this 12<sup>th</sup> day of September 2013, IT IS HEREBY ORDERED THAT Defendant's Motion to Dismiss (Doc. No. 13) is **DENIED**.

s/ Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: All Registered ECF Counsel and Parties